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16 Attorneys for Defendant City of Burbank
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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF LOS ANGELES

20 WILLIAM TAYLOR,
21 Plaintiff,
22 v.
23 CITY OF BURBANK and
DOES 1 through 100, inclusive,
24 Defendants.
25
26
27
28

Case No. BC 422252
Assigned to: Hon John L. Segal, Dept. 50

**DECLARATION OF RONALD F.
FRANK IN SUPPORT OF
DEFENDANT CITY OF BURBANK'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES**

DATE: July 9, 2012
TIME: 8:30 a.m.
DEPT: 50

Trial Date: March 5, 2012
Action Filed: Sept. 22, 2009

1 I, RONALD F. FRANK, declare:

2 1. I am an attorney at law duly licensed to practice before all of the Courts of the
3 State of California and am a partner at the law firm of Burke, Williams & Sorensen, LLP, counsel
4 of record for defendant CITY OF BURBANK ("City") in the above-referenced matter. I am the
5 lawyer at my firm with primary responsibility for the trial of this matter, and I was primarily
6 responsible for pre-trial percipient witness and expert discovery in this matter as well. I have
7 personal knowledge of the facts contained in this Declaration, and if called as a witness I could
8 and would testify competently to these facts under oath.

9 2. I know all three attorneys for plaintiff WILLIAM TAYLOR ("Plaintiff").
10 Originally, attorney Gregory W. Smith ("Smith") was the first attorney for Plaintiff with whom I
11 worked on this case. Some time later, attorney Christopher Brizzolara ("Brizzolara") joined
12 Smith as counsel for Plaintiff. During the pendency of this litigation matter City caused several
13 petitions for writ of mandate to be filed; during those writs, I understand that Smith and
14 Brizzolara were joined by attorney Douglas G. Benedon ("Benedon") as counsel for Plaintiff with
15 Benedon principally handling the appellate issue. During the course of this litigation matter, I
16 had occasion to communicate with each of Plaintiffs three attorneys, and with Messrs. Smith and
17 Brizzolara by phone, email, fax, and letters. As lead counsel for the City, I personally reviewed
18 all written discovery propounded upon and propounded by all parties to this action. As lead
19 counsel, I additionally personally handled, appeared, or otherwise participated in all pre-trial,
20 matters, the conduct of the trial, and substantially all hearings held by the Court in this matter.

21 3. Following the trial in this matter, my office was served with Plaintiff's motion for
22 attorneys' fees ("Motion") and supporting papers by Plaintiff by and through his counsel. I have
23 reviewed Plaintiff's Motion, including all declarations in support of the Motion and exhibits to
24 the declarations. Among the exhibits to each of the declarations provided by Plaintiff's attorneys
25 are time records kept by Plaintiff's three attorneys in connection with this matter. I was taken
26 aback by the number of hours each of Plaintiff's attorneys are seeking in the Motion, and was
27 further shocked to learn that Plaintiff's attorneys are seeking a positive multiplier to their already
28 to high suggested lodestar amount. I was further surprised by the fact that Plaintiff is seeking, by

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1 way of the Motion, recompense for the professional services of paralegal Selma I. Francia at the
2 unusually high hourly rate of \$200.00. As a stark comparison, my offices billed the City in this
3 matter at an average hourly rate in this case of \$295 for attorneys, and billed paralegals to the City
4 at \$100 per hour up to a maximum hourly rate of \$125 for its trial paralegal. Frankly, the hourly
5 rates of \$600.00 for Smith and Brizzolara are not consistent with the prevailing rate for
6 comparable legal services through other counsel of comparable skill to Smith and Brizzolara;
7 instead, \$400.00 to \$500.00 an hour is nearer to the rate that is consistent with the prevailing rate
8 for comparable legal services through other counsel of comparable skill.

9 4. In reviewing the time records submitted in support of the Motion by each of
10 Plaintiff's attorneys, the presence of patterns and anomalies within these time records started to
11 take form. I directed an associate with my office to break down these repeated patterns and
12 irregular task entries by grouping same type tasks and patterns appearing in the records in order to
13 distill, clarify, and isolate such matters without the confusion otherwise attendant to reviewing the
14 voluminous time records of Plaintiff's attorneys. My associate did so and prepared ten (10) tables
15 under my direction and supervision; each table relates to a different pattern or anomaly in the
16 time records and each contains only those billing entries that share the pattern or anomaly to
17 which the table relates. I directed the performance of this task because the tables enable those
18 who review them to more clearly see the uniting characteristic of the pattern or irregularity I
19 identified when I initially studied the time records in their original chronological form. At my
20 direction, copies of each table my associate prepared were printed to aid the Court's review of
21 argument in opposition to the Motion, as well as the Court's review of the underlying time
22 records relevant to such argument. Each of these tables is discussed below, and a true and correct
23 copy of each is attached as a separate exhibit hereto and designated Exhibits A-J.

24 5. The first table is a compilation of all time entries of Smith related to telephone
25 correspondence. Plaintiff's attorney Smith submitted time records that include 5.3 hours of time
26 billed for phone calls that appear on almost every page of the time records involving various
27 persons without explanation of the subject or purpose of the phone call. Smith billed a minimum
28 of .2 hour for a phone call, even though I know there were shorter phone calls that I had with him.

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1 A true and correct copy of the table related to Smith's phone call tasks entries, and no other
2 entries, that was created by my office is attached hereto as Exhibit "A."

3 6. The second table is a compilation of all time entries of Smith related to time
4 claimed for letter and email drafting, with no description of the subject or purpose of any such
5 entry. In total, Smith billed 29.3 hours drafting letter or emails. A true and correct copy of this
6 second table prepared by my office is attached hereto as Exhibit "B."

7 7. The third table is a compilation of all time entries of Brizzolara related to time
8 claimed for letter and email drafting, with no description of the subject or purpose of any such
9 entry. In total, Brizzolara billed 93.01 hours performing the task described as the receipt, review,
10 and analysis of correspondence *from Plaintiff*. Brizzolara billed an average of 2.3 hours to
11 perform these reviews. While it may be reasonable to claim 2.3 hours to *prepare* one particularly
12 complex piece of correspondence *to* one's client, it is unreasonable to claim an average of 2.3
13 hours to review/analyze correspondence *from* one's client. I have never before seen an attorney
14 claim time of such magnitude for this type of task. A true and correct copy of this third table
15 prepared by my office is attached hereto as Exhibit "C."

16 8. The fourth table is a compilation of all time entries of Smith that contain multiple
17 discrete tasks that are grouped together as a single task, or Block Billing. An example of this
18 practice is the entry on 3/4/12 described as "Meeting with client, review Pitchess, prepare for
19 trial, prepare opening; E-mail correspondence, Tony Kay; Review expert witness list." In total,
20 Smith's time records include 125 hours of Block Billing over 23 separate entries. A true and
21 correct copy of this fourth table prepared by my office is attached hereto as Exhibit "D."

22 9. The fifth table is a compilation of all entries of Selma Francia of time that is Block
23 Billing. Francia seeks recompense for 81.3 hours of Block Billing over 60 entries, which
24 amounts to 69% of all time claimed by Francia in the Motion. A true and correct copy of this
25 sixth table prepared by my office is attached hereto as Exhibit "E."

26 10. Plaintiff's counsel also seek fees for tasks that are clerical in nature. The sixth
27 table is a compilation of all entries of Francia of time spent performing clerical work. In total, per
28 the motion, Francia spent 42 hours performing clerical work over 61 entries. One such entry is

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1 described as "Take dictation from G. Smith revising 8/26/09 letter to Ericka Reinke of the City of
2 Burbank re interview" and is attributed to 8/27/09. Secretaries take dictation, not paralegals, and
3 it is not an accepted business practice in civil litigation matters in this community to seek
4 payment for paralegals performing this type of task. A true and correct copy of this sixth table
5 prepared by my office is attached hereto as Exhibit "F."

6 11. The seventh table is a compilation of all entries of Smith of time spent performing
7 clerical work. In total, Smith spent 15.2 hours performing clerical work described as "Prepare
8 hours for motion for attorneys' fees." A true and correct copy of this seventh table prepared by
9 my office is attached hereto as Exhibit "G."

10 12. Plaintiff's counsel is claiming a range hourly rates for each timekeeper.
11 Specifically, attorneys Smith and Brizzolara claims an hourly rate of \$600, attorney Benedon
12 claims a rate of \$525, and they seek of \$200 per hour for the paralegal services of Francia. These
13 requested rates are double the rates paid for attorneys and paralegals by the City. Moreover, as
14 Plaintiff's counsel also seek a multiplier of 2.0, they are essentially seeking to recover 3-4 times
15 defense counsel's hourly rate. This request is unreasonable and excessive.

16 13. The gravamen of Plaintiff's theory of entitlement to a positive multiplier is the risk
17 of non-payment in contingency fee cases. In this case, attorney Benedon served "[a]s counsel
18 responsible for representing Plaintiff in the writ proceedings in the Court of Appeal." In relevant
19 part, attorney Benedon declared:

- 20 • "Our Firm represented Plaintiff on a contingency fee basis."
- 21 • "*All costs for research, photocopies, facsimiles, parking, etc. were also charged on*
22 *a contingency fee basis.*"
- 23 • "Benedon & Serlin's 'lodestar' fee in this case is therefore in the amount of
24 \$62,215.50. This figure should be enhanced by a multiplier of 2.0, to reflect the
25 contingent nature of the action..."

26 However, attorney Benedon's time records clearly establish that Benedon & Serlin did not
27 provide "all costs for research, photocopies, facsimiles, parking, etc.," to Plaintiff "on a
28 contingency fee basis" as Benedon declares. His invoice contains the following entries:

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- “6/6/2011 “*Payment* – thank you. *Check No. 7847* (\$880.47)”
 - “Total payments and *adjustments* (\$880.47)”
- (Motion, Benedon Dec., Ex. 2, p. 3 (emphasis added))

The 6/6/2011 line item indicating payment received in the amount of \$880.47 is entirely consistent with regular and customary bookkeeping practices of law firms that provide services on a payment-for-services basis, and largely speaks for itself. To state the obvious, the “payment received” entry shows that Benedon & Serlin received payment for \$880.47 of the \$1,067.31 in total costs incurred, or 82% of total costs.

14. I have handled many cases of far greater complexity and difficulty. The trial of this employment case involved alleged retaliation in the workplace, concerning legal issues litigated many times and on which most of the law is well-established. Plaintiff’s attorneys performed their jobs, but did not present the type of “exceptional representation... [that] far exceeds the quality of representation that would have been provided by an attorney of comparable skill and experience billing at the hourly rate used in the lodestar calculation” Ketchum III, supra, 24 Cal.4th at p. 1139 that would justify a lodestar enhancement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 25, 2012, at Los Angeles, California.


RONALD F. FRANK

ATTORNEY GREGORY SMITH TASK – PHONE CONVERSATIONS WITHOUT DESCRIPTION BEYOND PARTICIPANTS		
DATE OF ENTRY	TIME CLAIMED	NO. OF IDENTICAL ENTRIES
10/10/10	.3	1
10/14/10	.2	2
10/21/10	.2	3
10/21/10	.2	4
10/21/10	.2	5
10/26/10	.2	6
12/20/10	.2	7
12/20/10	.2	8
1/17/11	.2	9
1/18/11	.2	10
2/16/11	.2	11
5/31/11	.2	12
8/4/11	.2	13
8/5/11	.2	14
8/9/11	.2	15
8/26/11	.2	16
9/1/11	.2	17
9/19/11	.2	18
10/4/11	.2	19
10/4/11	.2	20
10/17/11	.2	21
10/31/11	.2	22
10/31/11	.2	23
11/4/11	.2	24
11/4/11	.2	25
11/15/11	.2	26

Total Number of Occurrences for Task – 26

Total Number of Hours Billed for Task – 5.3

ATTORNEY GREGORY SMITH TASK - LETTER OR EMAIL DRAFTING WITHOUT DESCRIPTION BEYOND IDENTIFYING ADDRESSEE		
DATE OF ENTRY	TIME CLAIMED	NO. OF ENTRIES THIS TYPE
6/15/09	.4	1
6/26/09	.5	2
6/30/09	.4	3
6/30/09	.4	4
7/30/09	.5	5
8/19/09	.8	6
8/27/09	.5	7
9/21/09	.4	8
10/2/09	1.2	9
10/21/09	.4	10
10/20/09	.5	11
10/20/09	.5	12
10/20/09	.5	13
10/24/09	.5	14
10/26/09	.7	15
10/26/09	1.0	16
10/26/09	.4	17
11/9/09	.5	18
11/16/09	.5	19
11/16/09	.4	20
11/25/09	.4	21
1/18/10	.1	22
2/16/10	.8	23
3/31/10	1.0	24
4/5/10	.8	25
4/5/10	.6	26
4/5/10	.7	27
4/19/10	.2	28
4/23/10	1.2	29
4/27/10	.5	30
4/28/10	.5	31
6/4/10	.5	32
6/18/10	1.2	33
8/25/10	.1	34
8/25/10	.1	35
8/25/10	.1	36
8/25/10	.1	37
8/29/10	.1	38
8/31/10	.1	39
9/3/10	.5	40
9/8/10	.1	41

9/8/10	.1	42
9/21/10	.3	43
9/21/10	.1	44
10/5/10	.1	45
10/7/10	.1	46
10/13/10	.1	47
1/13/11	.1	48
1/13/11	.1	49
4/19/11	.5	50
5/4/11	.1	51
6/28/11	.7	52
7/7/11	.5	53
7/7/11	.1	54
7/8/11	.5	55
8/9/11	.1	56
8/26/11	.5	57
9/14/11	.1	58
9/16/11	.8	59
9/26/11	.1	60
10/7/11	.1	61
10/10/11	.1	62
10/11/11	.1	63
10/21/11	.1	64
10/27/11	.1	65
11/2/11	.1	66
11/7/11	.4	67
11/9/11	.1	68
1/19/12	.1	69
1/27/12	.1	70
2/24/12	.1	71
2/24/12	.1	72
2/27/12	.1	73
2/27/12	.1	74
2/27/12	.1	75
2/27/12	.1	76
2/27/12	.1	77
2/27/12	.1	78
2/27/12	.1	79
2/27/12	.1	80
2/27/12	.1	81
2/29/12	.1	82
2/29/12	.1	83
3/1/12	.1	84
3/1/12	.1	85
3/1/12	.1	56

3/1/12	.1	87
3/1/12	.1	88
3/1/12	.1	89
3/2/12	.1	90
3/2/12	.1	91
3/14/12	.1	92
3/14/12	.1	93

Total Number of Occurrences for Task – **93**

Total Number of Hours Billed for Task – **29.3**

Average Time in Hours Billed for Task - **.3**

ATTORNEY CHRISTOPHER BRIZZOLARA TASK - "RECEIPT REVIEW AND ANALYZE CORRESPONDENCE OR MEMO FROM CLIENT"			
ENTRY NO	DATE OF ENTRY	TIME CLAIMED	NO. OF IDENTICAL ENTRIES
93	3/24/10	.5	1
95	3/25/10	1.1	2
97	3/29/10	1.2	3
101	4/6/10	.6	4
159	7/22/10	.7	5
311	5/4/11	.8	6
313	5/6/11	1.1	7
314	5/6/11	1.5	8
315	5/6/11	1.8	9
316	5/6/11	2.2	10
317	5/23/11	2.4	11
392	10/4/11	1.6	12
409	10/16/11	6.4	20
418	10/19/11	4.4	31
426	10/26/11	1.1	32
506	3/4/12	5.6	39
513	3/7/12	.1	40

Total Number of Occurrences for Task - **40**

Total Number of Hours Billed for Task - **93.01**

Average Time Billed for Task - **2.3 Hours**

ATTORNEY GREGORY SMITH TASKS INVOLVING MULTIPLE DISCRETE TASKS THAT ARE COMBINED INTO ONE ENTRY - BLOCK BILLING		
DATE OF ENTRY	TASK DESCRIPTION	TIME CLAIMED IN HOURS
9/18/09	"Draft complaint; Client meeting"	3.5
11/11/09	"Prepare RFAs; Doc Demand; Special, Employment Interrogatories"	6.5
1/15/10	"Review of Δ 's discovery response (DD#1, FR-EL#1, etc.)"	3.0
6/4/10	"Client meeting; Draft DFEH charge"	5.0
7/12/10	"Plaintiff's Pitches motion/legal research"	4.5
8/30/10	" Δ 's ex parte requesting filing Pitches under seal; Review/legal research"	3.0
10/20/10	"Review documents/Client meeting"	4.5
11/5/10	" π 's discovery response (DD#2, SR#1)"	6.0
7/7/11	"Review client note re: Gardiner; Investigation re: Porto's; Client meeting"	8.0
10/31/11	"Prepare for Ramos deposition/Review documents"	3.5
11/3/11	"Prepare for Flad deposition/Review documents"	4.1
1/18/12	"Telephone conversation with client, witness; trial preparation"	3.0
1/31/12	" Δ 's discovery response (Supp DD #1, Supp Rog #1, etc.), review"	1.5
2/14/12	"Review research and draft oppositions to Δ 's motions in limine 1-3"	6.4
2/21/12	"Ex parte hearing; page-by-page review of Porto's investigation"	7.5
2/27/12	"Meeting w/ client; page-by-page review of all Porto's investigations"	6.4
2/27/12	"Prepare for trial exhibits, documents/Porto's IA"	6.3
3/2/12	"Review exhibits, meeting w/ client and Brizzolara; Review depositions, prepare for trial; Review 3 volumes"	8.5

	of Taylor depositions”	
3/3/12	“Meeting with client and Paul Kim; Review client’s depositions (2 volumes)”	9.6
3/4/12	“Meeting with client, review Pitchess, prepare for trial, prepare opening; E-mail correspondence, Tony Kay; Review expert witness list”	8.4
3/9/12	“E-mail correspondence, Linda Savitt/trial/travel”	8.1
3/12/12	“Review depositions, witness statements, documents	4.2
6/10/12	“Draft motion for attorneys fees, continue preparing hours.”	3.5

Total Number of Billing Entries for Task – **23**

Total Number of Hours Billed for Task – **125**

Average Time Billed for Task – **5.43**

PARALEGAL FRANCIA TASKS INVOLVING MULTIPLE DISCRETE TASKS THAT ARE COMBINED INTO ONE ENTRY - BLOCK BILLING		
DATE OF ENTRY	TASK DESCRIPTION	TIME CLAIMED IN HOURS
6/15/09		1.6
10/11/09		.7
10/20/09		.4
11/02/09		1.4
11/09/09		.4
11/13/09		3.0
11/16/09		.8
12/04/09		1.2
12/15/09		.5
12/18/09		.6
2/24/10		1.0
3/03/10		3.3
3/05/10		2.7
3/22/10		.5
4/07/10		.5
4/08/10		.2
4/12/10		.5
4/21/10		.8
5/04/10		.7
6/04/10		.5
6/16/10		1.2
8/24/10		1.5
9/03/10		.3
10/29/10		.7
1/11/11		.5
3/18/11		.4
4/06/11		.5
4/22/11		.4
6/01/11		1.3
6/03/11		.7
6/06/11		1.5
6/07/11		2.5
7/08/11		2.1
8/25/11		1.9
9/13/11		.5
9/28/11		1.0
10/03/11		.4
10/05/11		1.2
10/19/11		1.2

10/24/11		.5
10/28/11		.4
11/07/11		.4
11/08/11		1.2
11/09/11		.3
11/10/11		1.0
2/09/12		1.2
2/14/12		3.2
2/15/12		1.5
2/21/12		2.2
2/22/12		2.2
2/23/12		5.6
2/28/12		1.0
3/01/12		.5
3/02/12		5.5
3/06/12		.2
3/20/12		.6
4/24/12		1.2
4/26/12		7.5
6/05/12		4.0

Total Number of Billing Entries for Task – **60**

Total Number of Hours Billed for Task – **81.3**

Average Time Billed for Task – **1.4**

PARALEGAL FRANCIA TASKS INVOLVING MULTIPLE DISCRETE TASKS THAT ARE COMBINED INTO ONE ENTRY – BLOCK BILLING		
DATE OF ENTRY	TASK DESCRIPTION	TIME CLAIMED IN HOURS
6/15/09	Conference call with G. Smith and Client to fill out and file DFEH Charge and request Right-to-Sue Notice; Letter to Chief of Police Timothy Stehr enclosing copy of DFEH Charge & RTS Notice; Serve DFEH Charge & Right-to--Sue Notice Re City of Burbank upon the Office of the City Clerk; Letter to Client	1.6
10/11/09	Revise service date (serve on 10/12/09) and service recipients on proof of service to conformed copy of Plaintiffs 170.6 Peremptory Challenge, Court's Minutes Entered 09/28/09 re Peremptory Challenge, and Court's Minutes Entered 10/01/09 re 170.6 CCP Judicial Re-Assignment and prepare for service on 10/12/09; Letter to Client re deposition; Letter to Client re Defendant's Employment Law Form Interrogatories #1	.7
10/20/09	Take dictation from G. Smith re letter to defense counsel re producing Plaintiff's documentation; Take dictation from G. Smith re letter to Judie Wilkie re responding to her letter of October 9, 2009	.4
11/02/09	Draft Notice of Change of Address, etc. and prepare same for filing & service; Draft Notice of Related Cases and prepare same for filing & service; Format, fax, and mail two letters from G. Smith to K. Pelletier	1.4
11/09/09	Take dictation from G. Smith re letter to K. Pelletier re letter from Judie Wilke; Letter to Kristin Pelletier, Esq. confirming discovery extension re Plaintiffs response to Employment Form Interrogatories from 11/09/09 to 11/16/09	.4
11/13/09	Compare & verify that each document request in Defendant's notice of deposition of plaintiff & request for document production to Defendant's document demand are identical; Format and serve Plaintiffs responses to Document Demand #1 and Employment Law Form Interrogatories #1 based upon G. Smith's drafts; Draft & serve Plaintiffs Objections & Responses to Defendant's request to produce document at deposition	3.0
11/16/09	Format letter from G. Smith to K. Pelletier responding to K. Pelletier's 11/16/09 letter; Format letter from G. Smith to K. Pelletier re Plaintiffs deposition sessions; Letter to Client re deposition sessions; Draft & serve	.8

	deposition notice of Tim Stehr; Letter to Client re Chief Tim Stehr deposition	
12/14/09	Draft & serve Plaintiffs Notice of Recusal Reassignment; Format and proofread Plaintiffs First Amended Complaint	1.2
12/15/09	Prepare & serve Plaintiffs Notice of Case Management Conference; Letter to Kristin Pelletier enclosing stipulation re filing 1st amended complaint for review	.5
12/18/09	Letter to Client re deposition transcript; Letter to Client re 2nd session of deposition; Letter to Kristin Pelletier requesting dates to reschedule Chief Tim Stehr's deposition	.6
2/24/10	Draft & serve deposition notices for witnesses: T. Stehr, M. Ramos, R. Quesada, and J. Murphy; Prepare Deposition Subpoenas for M. Ramos and J. Murphy; Letter to Client re deposition schedule	1.0
3/03/10	Type separate statements re portions of Plaintiffs Document Demand #1, Form Interrogatories-Employment #1, and Special Interrogatories #1 to Defendant for filing with Discovery Motions to Compel	3.3
3/05/10	Attach proofs to Plaintiffs Pitchess motion & discovery motion to compel, prepare same for messenger filing & service today; Draft & serve amended deposition notices for witnesses: T. Stehr, M. Ramos, R. Quesada, and J. Murphy; Prepare Deposition Subpoenas for M. Ramos and J. Murphy	2.7
3/22/10	Draft & serve amended deposition notice for witness: T. Stehr; Letter to Client re Day 3 of deposition; Letter to Client re T. Stehr's deposition and R. Quesada's deposition	.5
4/07/10	Gather and copy documents for David Gascon; Letter to David Gascon enclosing same for messenger delivery	.5
4/08/10	Letter to David Gascon enclosing notice of termination from the City of Burbank; Format G. Smith's letter to Richard Kreisler regarding the Skelly Hearing	.2
4/12/10	Letter to David Gascon enclosing further documentation; Letter to Christopher Brizzolara re IA interviews	.5
4/21/10	Draft & serve Plaintiffs Notice of Continuance of Pitchess Motion & Motions to Compel; Draft Stipulation and Order Re: Request to Advance Hearing Date Regarding Plaintiffs Pitchess Motion & Motions to Compel	.8
5/04/10	Attach proof of service to and serve conformed copy of Stipulation and Order Re: Request to Advance Hearing	.7

	Date Regarding Plaintiffs Motion: 1) for Discovery of Peace Officer Personnel and Other Records Regarding William Taylor; and 2) to Compel Further Responses to Interrogatories and Request for Production; Draft & serve Plaintiffs 2nd Notice of Continuance of Pitchess Motion & Motions to Compel; Letter to Kristin Pelletier informing of continuance of Plaintiffs ex parte hearing to request continuance of Defendant's Motion for an Evidence Sanction from 05/05/10 to 05/07/10	
6/04/10	Proofread and re-format Plaintiffs 2na Government Claim, prepare letter to City Clerk's Office, and prepare same for filing by messenger	.5
6/16/10	Draft & serve deposition notices for witnesses: Captain J. Lowers, Captain P. Lynch, Captain C. Varner, Police Administrator C. Magnante, Lt. A. Dermenjian, Lt. R. Caruso, Executive Asst. P. Peters, & Sgt. J. Duran; Letter to Client re deposition schedule	1.2
8/24/10	Format and attach proofs of service to each of Plaintiffs Pitchess Motions re Eric Rosoff and Jay Jette; Format and attach proofs of service to each of the revised Plaintiffs Pitchess Motions re Eric Rosoff and Jay Jette, and prepare same for filing & personal service on 08/25/10	1.5
9/03/10	Attach proof of service to Plaintiffs 2nci Amended Government Claim, prepare letter to City Clerk's Office, prepare same for filing by certified mail	.3
10/29/10	Attach proof of service to, serve, and fax file Plaintiffs Objection to, Motion to Strike, and Response to Defendant City of Burbank and Alleged "DOE Officers 11 and 12" Opposition to Plaintiffs Motion for Discovery of Peace Officer Personnel and Other Records, prepare Facsimile Transmission Cover Sheet; Letter to Kristin Pelletier and Carol Humiston confirming telephonic ex parte notice for 11/04/10 to allow Plaintiff to file first amended complaint	.7
1/11/11	Revise proof of service re Plaintiffs reply brief on Pitchess Motion re Bobb Report, prepare Facsimile Transmission Cover Sheet, fax file & serve same. Attach proof of service to Plaintiffs 1si Amended Complaint to file & serve on 01/12/11 per Clerk's request; Letter to Defense Counsel enclosing copy of Plaintiffs 1st Amended Complaint	.5
3/18/11	Format Plaintiffs response to Defendant's Special Interrogatories #2 drafted by G. Smith and prepare same for service; Letter to Ronald Frank, Esq. enclosing signed Joint Status Conference Statement Re	.4

	04/06/11 Hearing	
4/06/11	Letter to Solomon Gresen, Esq. enclosing copies of multiple pages from Volume 2 of Plaintiffs deposition transcript; Draft & serve Plaintiffs Second Notice of Continuance of Hearing Date Re Pitchess Motion (re Jette & Rosoff)	.5
4/22/11	Letter to Ronald Frank, Esq. inquiring whether witness James Gardiner will be produced for deposition and requesting location agreement; Letter to Client re deposition schedule	.4
6/01/11	Draft proposed orders to file Plaintiffs Pitchess Motions re Lt. Jay Jette & Lt. Eric Rosoff; Letter to all counsel to review both proposed orders and to send us any requested changes, fax same; Serve Plaintiffs Pitchess Motions re Lt. Jay Jette & Lt. Eric Rosoff and prepare same for filing by B. Koron on 06/02/11	1.3
6/03/11	Format Plaintiffs amended response to Defendant's Special Interrogatories #2; Letter to Client re amended response to Defendant's Special Interrogatories #2	.7
6/06/11	Revise caption page and 2 pp. re J. Jette Pitchess Motion to reflect new hearing date, attach proofs of service, and prepare same for filing & service on 06/07/11; Revise caption page and 2 pp. re E. Rosoff Pitchess Motion to reflect new hearing date, attach proofs of service, and prepare same for filing & service on 06/07/11	1.5
6/07/11	Serve respective Pitchess Motions re J. Jette and E. Rosoff by fax, overnight mail, and email; Draft & serve Plaintiffs Notice of Ruling re Telephone Conference held on 06/01/11	2.5
7/08/11	Attach proof of service to [Proposed] Protective Order Re: Documents and Items Produced Pursuant to Pitchess Motions, serve same by fax, email, & mail; Prepare document entitled Conformed Copy Exemplars of Protective Orders Regarding Documents and Other Items Produced Pursuant to Pitchess Motions Issued by L.A. County Superior Judges in Other FEHA & Labor Code Section 1102.5 Whistleblower Retaliation Cases, serve same by fax, email, & mail, prepare attorney service instructions for filing of documents; Take dictation from G. Smith re 2nd letter to Robert Tyson re non-receipt of anonymous packages or letters	2.1
8/25/11	Format and proofread Plaintiffs opposition to City's motion to compel special interrogatories, set no. 2, prepare same for filing & service on 08/26/11, prepare attorney service instructions	1.9

9/13/11	Letter to Client 3rd and 4th sessions of deposition; Draft amended deposition notices for witnesses Marsha Ramos and James Gardiner and prepare for service on 09/14/11	.5
9/28/11	Letter to Defense Counsel confirming extension for Plaintiff to provide court-ordered further responses to Special Interrogatories #2; Letter to Ronald Frank enclosing copy of deposition subpoena for witness James Gardiner; Draft amended deposition notices for witnesses T. Stehr and M. Fladd; Letter to Client re deposition location change; Letter to Client re additional deposition schedule	1.0
10/03/11	Draft amended deposition notice for witness M. Fladd with location details for service on 10/04/11; Letter to Client re location information for witnesses' depositions	.4
10/05/11	Prepare Plaintiffs supplemental discovery requests (document demand, employment law form interrogatories, special interrogatories, rfa) for messenger service on 10/07/11; Letter to Client re Defendant's Document Demand #3	1.2
10/19/11	Search file for letters and documents re Skelly; Letter to Dr. Paul Kim enclosing IA materials; Letter to Client re M. Ramos' deposition	1.2
10/24/11	Draft & serve deposition notice and request for production of documents for expert witness D. Weiner; Draft & serve sixth amended deposition notice for witness T. Stehr	.5
10/28/11	Letter to Defense Counsel confirming discovery extension re Document Demand #3 from 11/01/11 to 11/08/11; Letter to Client re Volume 3 deposition transcript	.4
11/07/11	Letter to Ronald Frank, Esq. confirming discovery extension re Document Demand #3 from 11/08/11 to 11/09/11; Take dictation from G. Smith responding to Ronald Frank's letter regarding trial continuance, extension of motion in limine filing deadline, and settlement conference	.4
11/08/11	Letter to Client re Volume 4 deposition; Format Plaintiffs response to Defendant's Document Demand #3 and print verification	1.2
11/09/11	Copy and serve Plaintiffs response to Defendant's Document Demand #3; Letter to Dr. Paul Kim enclosing additional documentation for his review	.3
11/10/11	Draft & serve Plaintiffs Notice of Posting of Jury Fee Deposit on Behalf of Plaintiff and Notice of Judicial Reassignment; Draft & serve Plaintiffs Notice of	1.0

	Voluntary Settlement Conference; Letter to Client informing of VSC on 11/16/11	
2/09/12	Draft Notice to Appear at Trial in Lieu of Subpoena [CCP §19871 for G. Smith to review & finalize; Draft Trial Subpoena to Solomon Gresen, Esq. and Application for Subpoena Duces Tecum for G. Smith to review & finalize; Prepare attorney service instructions re Trial Subpoena to Solomon Gresen, Esq. and Application for Subpoena Duces Tecum	1.2
2/14/12	Proofread, spell-check, re-format, make minor revisions and requested revisions, and attach proofs of service to Plaintiffs opposition briefs to Defendant's Motions in Limine Nos. 1, 2, 3, 4 & 5, locate & copy documents for Exhibit "A" to MIL #5	3.2
2/15/12	Proofread, spell-check, re-format, make minor revisions and requested revisions, and attach proofs of service to Plaintiffs opposition briefs to Defendant's Motions in Limine Nos. 2 & 6, prepare declarations for G. Smith's signature for exhibits attached to opposition briefs to Motions in Limine Nos. 5 & 6, prepare same for filing & service	1.5
2/21/12	Letter to Phil Becker (Caveman PS) enclosing trial subpoenas re J. Lowers and T. Stehr; Create Plaintiffs witness list from handwritten list prepared by G. Smith based upon Dept. 50's requirements; Prepare for re-filing Plaintiffs opposition briefs to Defendant's Motions in Limine Nos. 1, 2, 3, 4 & 5, prepare attorney service instructions for same; Proofread, spell-check, re-format, make minor revisions, and attach proof of service to Plaintiff's opposition briefs to Defendant's Motion in Limine Nos. 7, prepare same for filing & service	2.2
2/22/12	Pull up CA Penal Code section and prepare format for Special Jury Instruction #3 to include authority and text; Pull up federal obstruction of justice statute and prepare format for Special Jury Instruction #4 to include authority and text; Prepare format for Special Jury Instruction Nos. 1 & 2; Type portions of CA Govt. Code section to format Special Jury Instruction No. 5	2.2
2/23/12	Prepare Joint List of Stipulated Facts based upon instructions from G. Smith; Create and enter exhibit description for Plaintiffs Exhibit List based upon stack of exhibits prepared by G. Smith; Prepare Plaintiffs Witness List to include name, time estimates, and type of witness based upon G. Smith's handwritten list	5.6
2/28/12	Prepare trial subpoenas for witnesses M. Ramos and C.	1.0

	Gunn; Prepare on-call agreements re trial subpoenas for witnesses M. Ramos and C. Gunn; Letter to M. Ramos enclosing trial subpoena & on-call agreement for signature & return; Letter to T. Gunn enclosing trial subpoena & on-call agreement for signature & return	
3/01/12	Prepare trial subpoena for witness R. Kreisler and attorney service instructions for service of same on a rush basis; Revise List of Stipulated Facts on behalf of Plaintiff only, prepare attorney service instructions for filing & service of same on 03/02/12	.5
3/02/12	Prepare Trial Subpoenas & witness fee payments for witnesses J. Gardiner, T. Stehr, J.J. Puglisi, G. Misquez, C. Varner, S. LaChasse, and C. Humiston, also witness fee payment only for M. Flad; Letter to Ronald Frank enclosing foregoing trial subpoenas, witness fee payments, and (3) volumes of Plaintiffs trial exhibit binders; Prepare & insert labels for (6) sets of Plaintiffs trial exhibit binders; Insert individual copies of Joint Exhibit List to (6) sets of Plaintiffs trial exhibit binders; Insert Karen Smith's Revised Report to (6) sets of Plaintiffs trial exhibit binders; Create list of Plaintiffs trial exhibit binder sets respectively designating each for Plaintiffs counsel, Judge, Clerk, & Witness; Page numbering for updated versions of Exhibit Nos. 7 through 10 to (5) sets; Email to Ronald Frank attaching updated versions of Exhibit Nos. 7 through 10; Prepare on-call agreement re trial subpoena for witness Richard Kreisler; Letter to Richard Kreisler on-call agreement for signature & return	5.5
3/06/12	Letter to Defense Counsel enclosing Paul Kim's signed Declaration and Errata Sheet re transcript of deposition taken on 02/06/12	.2
3/20/12	Letter to Dr. Stanley Majcher enclosing copy of his deposition transcript (per request); Format Proposed Judgment on General Verdict prepared by Plaintiff for submission to Court, prepare attorney service instructions for filing & service of same on 03/21/12	.6
4/24/12	Format, proofread & spell-check Plaintiff William Taylor's declaration re Motion for Injunctive Relief for review & signature; Format, proofread, spell-check Plaintiffs Motion for Injunctive Relief, prepare same for filing & service on 04/25/12, prepare attorney service instructions for filing of same on 04/25/12	1.2
4/26/12	Gather data to include in Cost Bill and prepare Cost Bill (Summary & Worksheet) for G. Smith to review & finalize, prepare same for filing & service on 04/27/12	7.5

6/05/12	Format, proofread, spell-check Plaintiffs Opposition to Motion to Tax Costs, create list of entries for Items 1 & 5 in the Cost Bill to include as exhibits in the opposition, locate & copy exhibits to include, prepare draft of G. Smith's declaration, prepare same for filing & overnight service on 06/06/12	4.0
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Total Number of Billing Entries for Task – **60**

Total Number of Hours Billed for Task – **81.3**

Average Time Billed for Task – **1.4**

ATTORNEY GREGORY SMITH TASKS THAT ARE SECRETARIAL IN NATURE		
DATE OF ENTRY	DESCRIPTION OF TASK	TIME CLAIMED IN HOURS
10/20/09	"Prepare documents for delivery to Δ"	.6
6/1/12	"Prepare hours for motion for attorney's fees"	4.3
6/8/12	"Prepare hours for motion for attorney's fees"	7.4
6/10/12	"Draft motion for attorneys fees, continue preparing hours."	3.5

Total Number of Billing Entries for Task – 4

Total Number of Hours Billed for Task – 15.8

Average Time Per Task – 4.0

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On June 25, 2012, I served a copy of the within document(s):

DECLARATION OF RONALD F. FRANK IN SUPPORT OF DEFENDANT CITY OF BURBANK'S OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☒ by placing the document(s) listed above in a sealed OVERNITE EXPRESS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to an OVERNITE EXPRESS agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 25, 2012, at Los Angeles, California.

/s/

Lisa J. Villarroel

SERVICE LIST
Taylor v. Burbank
LASC, Case No. BC422252

BY OVERNIGHT

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